

In re: Application of Larry F. LEMANSKI et al.  
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**REMARKS**

Claims 1-7 and 10-24 are pending in the present application. Claims 2, 7 and 10-14 are rejected. Claims 1, 3, 4 and 6 are objected to.

Claims 1-4, 6, 7 10 and 13 have been amended solely to respond to this Office Action. Applicants hereby reserve the right to pursue any canceled subject matter in one or more continuation or divisional applications. No new matter has been added by virtue of these amendments and their entry is respectfully requested.

The rejection of claims 1-14 under 35 U.S.C. § 112, second paragraph, as being indefinite is withdrawn.

The rejection of claims 13-14 under 35 U.S.C. § 103 (a) as being unpatentable over Lemanski et al., (1996 *Biochem. Biophys. Res. Comm.* 229:974-981) is withdrawn.

***Claim Objections***

Claims 1, 3 were objected to because of the following: "the apostrophe in SEQ ID NO's should be deleted and the comma between SEQ ID NOS: 1, or 5 should be deleted." In response, Applicants have amended claims 1 and 3 as per the Examiner's recommendation.

In view thereof, Applicants respectfully request reconsideration and withdrawal of the instant objection.

***Claim Rejections Under 35 U.S.C. § 112***

Claims 2, 7, and 10-14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In response, Applicants have amended claim 2 as per the Examiner's suggestion and have deleted reference to the term "encodes" and replaced with "is transcribed into." No new matter is added by virtue of this amendment and its entry is respectfully requested.

Claim 7 has been amended to clearly define the claim limitations. As such, claim 7 now satisfies 35 U.S.C. § 112, second paragraph. No new matter has been added by virtue of this amendment and its entry is respectfully requested.

Claim 10 has been amended to provide further clarification. Support for this amendment is found throughout the specification. See, for example, page 14, lines 1-3; page 9, lines 1-15. No new matter has been added by virtue of these amendments and their entry is respectfully requested.

Claims 11 and 12 were included in the rejection because they are dependent on claim 10. As such, claim 10, and claims 11 and 12 dependent therefrom, are now allowable.

Claim 13 has been amended to identify the nucleic acid sequence that is transcribed into the MIR molecule. No new matter has been added by virtue of this amendment and its entry is respectfully requested. Claim 14 depends on claim 13 and as such both claims are now allowable.

In view thereof, Applicants submit that claims 2, 7 and 10-14 are allowable under 35 U.S.C. § 112, second paragraph.

Applicants respectfully request reconsideration and withdrawal of the instant rejection.

#### ***Double Patenting***

The Examiner has indicated that claim 7 would be objected to under 37 C.F.R. § 1.75 as being a substantial duplicate of claim 1. Applicants will respond accordingly when claim 1 is allowed.

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Claims 4 and 6 are objected to as being dependent on a rejected base claim. The Examiner has indicated that these claims would be allowed if rewritten in independent form. In response, Applicants have amended claims 4 and 6 as independent claims. No new matter has been added by virtue of this amendment and its entry is respectfully requested.

In view thereof, Applicants respectfully request reconsideration and withdrawal of the instant objection.

### CONCLUSION

In view of the foregoing, reconsideration and withdrawal of all rejections and allowance of the application is respectfully solicited. Applicants respectfully request entry of the foregoing amendments and remarks and reconsideration and withdrawal of all rejections. If there are any remaining issues or the Examiner believes that a telephone conversation with the Applicants' attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at telephone number shown below.

Although, Applicants believe that no extensions of time are required with submission of this paper (September 30, 2006 being a Saturday), Applicants request that this submission also be considered as a retroactive petition for any extension of time if necessary. The Commissioner for Patents and Trademarks is hereby authorized to charge the amount due for any retroactive extensions of time and any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees paid on the filing or during prosecution of this application to Deposit Account No. 50-0951.

Respectfully submitted,

AKERMAN SENTERFITT



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